

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

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FILE: B-184491

DATE: August 4, 1975

MATTER OF: Mechanical Contractors Association of Central
Ohio, Inc.

DIGEST:

Protests against affirmative determination of responsibility by contracting officials are not reviewed by GAO except for actions which are tantamount to fraud or misapplication of definitive responsibility criteria contained in solicitation.

The Mechanical Contractors Association of Central Ohio, Inc. (Association), has protested against award of a contract to a nonmember firm by Rickenbacher Air Force Base, Columbus, Ohio. The Association's protest questions the responsibility of the successful bidder and its eligibility for contract award.

This Office does not review protests against affirmative determinations of responsibility, unless either fraud is alleged on the part of procuring officials or where the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Central Metal Products, Inc., 54 Comp. Gen. 66 (1974). Affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of procuring officials who must suffer any difficulties experienced by reason of a contractor's inability to perform. However, we will continue to consider protests against determinations of nonresponsibility to provide assurance against the arbitrary rejection of bids.

Since neither fraud nor misapplication of definitive responsibility standards has been alleged or demonstrated, we are closing our files in the matter without further action.

Paul G. Dembling
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General Counsel